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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,885	09/17/2003	Toshihiro Takesue	R2184.0111/P111-A	4500

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EXAMINER

PHAM, HAI CHI

ART UNIT	PAPER NUMBER
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2861

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/663,885

Applicant(s)

TAKESUE, TOSHIHIRO

Examiner

Hai C Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 26-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 09/17/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Objections*

2. The following claims are objected to because of the following informalities:

#### Claim 26:

- Line 3, " an evaluation chart having a pattern group of one of a plurality of light beams" should read --an evaluation chart having a pattern group formed by one of a plurality of light beams--.

#### Claim 28:

- Line 2, "a first pattern group" should read --said first pattern group—since it has been already cited in the base claim 26.
- Line 5, "a first pattern group" should read --said first pattern group--.

#### Claim 32:

- Line 3, " an evaluation chart having a pattern group of one of a plurality of light beams" should read --an evaluation chart having a pattern group formed by one of a plurality of light beams--.

#### Claim 33:

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- Line 4, " an evaluation chart having a pattern group of one of a plurality of light beams" should read --an evaluation chart having a pattern group formed by one of a plurality of light beams--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 26-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 26:
- The following claimed terminologies "pattern" and "pattern group" are inconsistently used through out the claim such that their meanings are confusing, e.g., "a first pattern group" and "a second pattern group" at line 5, then "said first pattern" (line 10), "said second pattern" (line 13), which would lack antecedent basis. It is understood that the evaluation chart includes first patterns and second patterns, which in turn have first pattern group and second pattern group, respectively. Applicant is urged to carefully revise the claimed terminologies accordingly to avoid confusion.

Claim 32:

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- Similarly, the following claimed terminologies “pattern” and “pattern group” are inconsistently used through out the claim such that their meanings are confusing, e.g., “a first pattern group” and “a second pattern group” at line 5, then “said first pattern” (line 11), “said second pattern” (line 14), which would lack antecedent basis. It is understood that the evaluation chart includes first patterns and second patterns, which in turn have first pattern group and second pattern group, respectively. Applicant is urged to carefully revise the claimed terminologies accordingly to avoid confusion.

Claim 33:

- The following claimed terminologies “pattern” and “pattern group” are inconsistently used through out the claim such that their meanings are confusing, e.g., “a first pattern group” and “a second pattern group” at line 6, then “said first pattern” (line 6), “said second pattern” (line 9), which would lack antecedent basis. It is understood that the evaluation chart includes first patterns and second patterns, which in turn have first pattern group and second pattern group, respectively. Applicant is urged to carefully revise the claimed terminologies accordingly to avoid confusion.

Claims 27-31 are dependent from claim 26 above, and are therefore indefinite.

Appropriate correction is required.

***Double Patenting***

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the

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unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 26-33 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 and 20 of U.S. Patent No. 6,654,041 in view of Decker et al. (U.S. 6,198,549).

The claimed limitations in the instant application are fully disclosed in the patent except for the tone sensor to measure a tone of the pattern group in the evaluation chart.

Regardless, it is well known in the printing art to use a tone sensor or a densitometer to measure the optical density of the dot printed on the calibration chart to determine the characteristics of the printed dots, e.g., dot position, toner amount, that suit to a particular application. Decker et al., for instance, discloses a system, method and program to print a test pattern on an evaluation chart and to use a densitometer to read the optical density of the printed dots such that the print registration can be detected and controlled.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate a densitometer to measure the optical

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density of the dot printed on the calibration chart since Decker et al. teaches this to be known in the printing art for determining the characteristics of the printed dots based on which a calibration can be performed.

### ***Pertinent Prior Arts***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Iga et al. (U.S. 5,831,658) discloses a printer device and a method for printing deviation test patterns to measure deviations of printing positions such that dots shifting in the main scanning and sub-scanning directions can be corrected.

Murakami (U.S. 6,082,911) discloses a method for judging propriety of printing positions by printing multiple first and second group dot patterns of different colors positioned displaced and adjacent to each other, and comparison of the patterns to a reference pattern allow correction of the printing positions.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai C Pham whose telephone number is (571) 272-2260. The examiner can normally be reached on M-F 8:30AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D Meier can be reached on (571) 272-2149. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**HAI PHAM**  
**PRIMARY EXAMINER**

April 3, 2004